

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

FRED HANEY, MARSHA MERRILL,
SYLVIA RAUSCH, STEPHEN SWENSON,
and ALAN WOOTEN, individually, and on
behalf of all others similarly,

Plaintiffs,

v.

GENWORTH LIFE INSURANCE
COMPANY and GENWORTH LIFE
INSURANCE COMPANY OF NEW
YORK,

Defendants.

Civil Action No.: 3:22-cv-00055-REP

**PLAINTIFFS' MOTION TO DIRECT NOTICE OF
PROPOSED SETTLEMENT TO THE CLASS**

Plaintiffs Fred Haney, Marsha Merrill, Sylvia Rausch, Stephen Swenson, and Alan Wooten (collectively, "Named Plaintiffs"), pursuant to Rule 23(a), (b)(3), and (e)(1) of the Federal Rules of Civil Procedure, and the Court's February 1, 2022 Order (ECF No. 12), respectfully move for entry of an Order:

- (1) preliminarily approving the Settlement¹ on the terms set forth in the Settlement Agreement after finding that the Court is likely to grant final approval of the Settlement;
- (2) certifying the proposed Settlement Class for purposes of the Settlement;
- (3) approving the form and content of the Class Notice and Publication Notice (attached as Exhibits A and B, respectively, to the [Proposed] Order Directing Notice of Proposed Settlement to the Class ("Notice Order"));

¹ Unless otherwise stated, all capitalized terms herein are those defined in the parties' Settlement Agreement.

(4) finding that the procedures for distribution of the Class Notice and Publication Notice in the manner and form set forth in the Notice Order constitute the best notice practicable under the circumstances, and comply with the notice requirements of due process and Rule 23; and

(5) setting a schedule and procedures for: (a) disseminating the Class Notice and Publication Notice; (b) requesting exclusion from the Class; (c) objecting to the Settlement or Plaintiffs' counsel's application for attorneys' fees, expenses, and service awards; (d) submitting papers in support of final approval of the Settlement and Plaintiffs' counsel's application for attorneys' fees, expenses, and service awards; (e) Genworth to report to the Court concerning any state regulatory input on the Settlement, and (f) the Final Approval Hearing.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Law in Support of Motion to Direct Notice of Proposed Settlement to the Class, the accompanying Declaration of Brian D. Penny with attached exhibits, and the pleadings and papers on file with this Court in this matter.

DATED: April 1, 2022

PHELAN PETTY PLC

/s/ Jonathan M. Petty

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2022, I filed the foregoing pleading or paper through the Court's CM/ECF system, which sent a notice of electronic filing to all registered users.

/s/ Jonathan M. Petty

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